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REMARKS

Telephone Interview with Examiner on May 11, 2004.

Applicants thank Examiners for the telephone interview extended to their attorney, J. B. Kraft on May 11, 2004. As Applicants explained in that interview, the claims have been amended to emphasize what is the key to the present invention. The amendment has modified the scope of the claims to a status that their patentability should be considered with respect to the combination of the Microsoft MS Explorer reference in view of Aritomi (US6,407,760) further in view of Lamping (US5,619,632).

Applicants Argument.

Accordingly, the rejection of claims 1-5, 9-13, and 17-21 under 35 U.S.C. 103(a) over the combination of the Microsoft Explorer Screen Dumps in view of Aritomi further in view of Lamping is respectfully traversed.

None of the three reference considers or even suggests the problem to which the present invention is directed. Accordingly, none of the references suggests Applicants' novel claimed solution to the problem. There is no suggestion in any reference of any problem or need which would lead one skilled in the art to try to combine the teachings of the references for any purpose. Thus, any suggestion that the two references may be combined as proposed by the Examiner does not come from either reference, but can only be made in the light of Applicants' own teaching. This has been established to be an improper basis for a combination of references under 35 U.S.C. 103.

The present invention addresses the problems of the visually or otherwise physically impaired in interfacing with computer displays. The user still commands the

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computer primarily through manual pointing devices such as mice, joy sticks and trackballs that control the on-screen cursor movements. It must be noted that the principles involved in such pointing devices were developed over a generation ago when most of the people involved in interfaces to computers were computer professionals who were willing to invest great amounts of time in developing computer skills. Cursor control devices, such as the mouse, translate relatively precise orthogonal manual movements into precise cursor movements on the display screen. Users with poor hand-eye coordination due to poor eyesight, physical impairment, feebleness or other dexterity problems find the computer mouse to be quite stressful and frustrating. In this connection, the drop down menu has become a primary means of interactive user selection of items or objects in interactive displays. While cursoring through drop down menus and making selections therefrom can eventually be mastered by persons without physical or visual impairments, the drop down and like menus, such as pop-up menus, are very frustrating and frequently impossible to use by the physically or visually impaired. Controlling a cursor to scroll up or down a list of items running vertically in narrow item bands is extremely difficult for the impaired. Similarly, moving the cursor to a small scroll button at a menu and then holding the button down in a steady position while the menu scrolls itself down may be equally frustrating for physically impaired users.

The present invention offers a solution to these problems with scrolled menus by providing alternate access for physically impaired users to items normally displayed in drop down menus. If the user feels unable to use or frustrated in using such scrolling menu techniques, he has the option to choose to display as an alternative to this

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set of sequential menus a hierarchical tree arrangement of selectable items corresponding to items in said set of menus in which the items or icons have a greater spatiality than the spatiality of the customary arrangement of items in standard drop-down menus. This greater spatiality may be achieved, for example through larger items or larger spacing between items.

The combination of references fails to even suggest such a system for aiding physically impaired. All the Microsoft Windows screen dumps show is that drop down menus are known. Applicants have admitted this.

However the Aritomi patent even as modified by the drop-down menu still does not suggest the present invention. Aritomi provides an expedient for permitting a user of a sequence of related menus to avoid sequentially plodding through all of the menus to reach his target item. The user is enabled to bring up and display the entire hierarchy of items represented by his sequence of menus so that may hone in on his target item in a single display screen.

Thus, the goals of Aritomi are not suggestive of the present invention. In fact, Aritomi would likely lead one skilled in the art away from the present invention because the alternative hierarchical screen of Aritomi is much more complex than its original simple menu screen. There is nothing in Aritomi suggestive of greater spatiality between its items. For this teaching, the Examiner must reach to the Lamping et al reference.

Lamping discloses that detailed and extensive hierarchies of items may be made more presentable on a display screen by a dynamic spiral-like array in which the items appear to get larger as such items approach the forefront of the display interface. While Applicants concede that Lamping may disclose the enlargement of icons

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as they approach the user, it is not seen where in either the Aritomi or Lamping references there is any suggestion that the two references be combined to disclose the present invention. While Aritomi may arguably suggest a complete hierarchical arrangement of items or icons for the purpose of eliminating a sequence of menus of such items, there is no suggestion in any of the references of looking to the esoteric helix of items or icons shown in Lamping.

Accordingly, Applicants submit that Examiner's proposed combination of the three references is being made not with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicants' invention unpatentable.

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

"One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

The rejection of remaining claims 6-8, 14-16 and 22-27 over the combination of the three references discussed hereinabove further in view either Kanevsky et al. (6,654034) or Blades et al. respectively as unpatentable under 35 U.S.C. 103(a) is also respectfully traversed.

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Both the Kanevsky et al. and Blades et al. Patents are Owned by the Assignee of the Present Application, and Thus Can Not Preclude Patentability Under 35 U.S.C. 103(c).

The present Application and both the Kanevsky and Blades patents were commonly owned by International Business Machines Corporation, the Assignee herein at the time the invention of the present Application was made.

The file of the present Application indicates that an Assignment of the present Application to said Assignee is filed in the Patent Office. Also each of printed Kanevsky and Blades Patents respectively indicates that it is assigned to the same Assignee.

Since the present Application has a filing date after November 29, 1999, and the Kanevsky and Blades patents qualify as prior art under the provisions of 35 U.S.C. 102(e), it is submitted that the Kanevsky and Blades Patents can not be used to preclude patentability based upon 35 U.S.C. 103(c). [Examiner's attention is directed to MPEP Sections 706.02(l); (l)(1); (l)(2); and (l)(3)].

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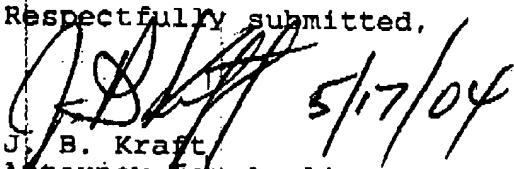
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Accordingly, Examiner is respectfully requested to withdraw both the Kanevsky et al. and Blades et al. references. This should render claims 6-8, 14-16 and 22-27 to be patentable.

In view of the foregoing, it is submitted that claims 1-27 are in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,


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